

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

DATE MAILED: 05/19/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,853	11/26/2003	Donald J. Siglin	14159US02	9682
23446	7590 05/19/2004		EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET			LAGMAN, FREDERICK LYNDON	
SUITE 3400			ART UNIT	PAPER NUMBER
CHICAGO, IL 60661			3673	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicanties Application Application Applicanties Application Applicati					
Examiner			Application No.	Applicant(s)	
Frederick L Lagman 3673 3675 3753	Office Action Summary		10/723,853	SIGLIN ET AL.	
Previol for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estancions of the may be available used the provisions of 3 CFR 1.138(a). In or event, however, may a reply be timely filed and the communication of 3 CFR 1.138(a). In or event, however, may a reply be timely filed and the communication of 3 CFR 1.138(a). In or event, however, may a reply be timely filed and the communication of 3 CFR 1.138(a). In or event, however, may a reply be timely filed and the communication of 3 CFR 1.138(a). In or event, however, may a reply be timely filed displayed and specially and will appear St. (6 MONTHS for the mediting date of this communication of the property of the communication of the previous and the property of the communication of the previous and the previ			Examiner	Art Unit	<u> </u>
A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. **A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. **A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. **SET OF THIS COMMUNICATION. **It the period for reply is period above, the maining date of this communication. **It the period for reply is period above. The maining date of this communication. **It the period for reply is period above. The maining date of this communication. **It the period for reply is period above. The maining date of this communication. **It the period for reply is period above. The maining date of this communication. **Province of the period of the period by the Citical than three maining date of this communication. **Province of the period of th			1	I I	
THE MAILING DATE OF THIS COMMUNICATION. Edentions of time may be waitled under the provisions of 3 CFR 1.136(a). In so event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication. Provisions of 3 CFR 1.136(a). In so event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication. It No period for reply is specified above, the maximum stabulory period langly and will excise X(b) MONTHS from the mailing date of this communication. Provision of the provision of the communication. Provision of the communication. Provision of the provisio	Period fe	The MAILING DATE of this communication apor Reply	opears on the cover sheet with the	e correspondence address	ş
This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.	THE - Exte after - If the - If NO - Failt Any	MAILING DATE OF THIS COMMUNICATION insions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication, experiod for reply specified above is less than thirty (30) days, a replayed for reply is specified above, the maximum statutory period returned by the communication of the provision of the communication o	136(a). In no event, however, may a reply be ply within the statutory minimum of thirty (30) o d will apply and will expire SIX (6) MONTHS fro tte, cause the application to become ABANDO	timely filed days will be considered timely. om the mailing date of this communi NED (35 U.S.C. 8 133).	ication.
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 16-91 is/are allowed. 6) Claim(s) 16-9.14.15.19 and 23 is/are rejected. 7) Claim(s) 2-5.10-13 and 20-22 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:	Status				
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 16-91 is/are allowed. 6) Claim(s) 16-9.14.15.19 and 23 is/are rejected. 7) Claim(s) 2-5.10-13 and 20-22 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:	1)	Responsive to communication(s) filed on			
3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) 1-6-18 is/are allowed. 6 Claim(s) 1-6-9.14.15.19 and 23 is/are rejected. 7 Claim(s) 2-5.10-13 and 20-22 is/are objected to. 8 Claim(s) 2-5.10-13 and 20-22 is/are objected to. 8 Claim(s) are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). **See the attached detailed Office action for a list of the certified copies not received. **Attachment(s) Paper Nois/Mail Dale Paper Nois/Mail Dale Paper (Nois/Mail Dale P	2a) <u></u> ☐				
4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 16-18 is/are allowed. 6) Claim(s) 1.6-9.14.15.19 and 23 is/are rejected. 7) Claim(s) 2-5.10-13 and 20-22 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Notice of References Cited (PTO-892) Notice of References Cited (PTO-1449 or PTO/5B/08) Notice of Inaffsperson's Patent Drawing Review (PTO-1448) Notice of Inaffsperson's Patent Drawing Review (PTO-1450) Notice of Inaffsperson's Patent Drawing Review (PTO-155)	3)□	Since this application is in condition for allow	ance except for formal matters, p		its is
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 16-18 is/are allowed. 6) □ Claim(s) 2-5.10-13 and 20-22 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 □ Notice of References Cited (PTO-892)	Disposit	ion of Claims		•	
7) Claim(s) 2-5.10-13 and 20-22 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Attachment(s) Di Notice of Partsperson's Patent Drawing Review (PTO-948) Di Notice of Informal Patent Application (PTO-152)	5)⊠	4a) Of the above claim(s) is/are withdra			
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) All b Interview Summary (PTO-413) Paper No(s)/Mail Date Paper No(s)/Mail Dat	6)⊠	Claim(s) <u>1,6-9,14,15,19 and 23</u> is/are rejected	d.		
Application Papers 9	7)⊠				
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	8)[]	Claim(s) are subject to restriction and/	or election requirement.	-	
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	Applicat	ion Papers			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Attachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Informal Patent Application (PTO-152)	9)[The specification is objected to by the Examin	ner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Attachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Informal Patent Application (PTO-152)	10)	The drawing(s) filed on is/are: a) ac	cepted or b) objected to by the	e Examiner.	
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Attachment(s)					
Priority under 35 U.S.C. § 119 12)		Replacement drawing sheet(s) including the correct	ction is required if the drawing(s) is o	objected to. See 37 CFR 1.1	21(d).
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Attachment(s) Attachment(s) A Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-152)	11)	The oath or declaration is objected to by the E	examiner. Note the attached Office	ce Action or form PTO-15	2.
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Notice of References Cited (PTO-892)	Priority ι	ınder 35 U.S.C. § 119			
Attachment(s) O Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) O Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Notice of Information Patent Application (PTO-152)	a)l	 All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Burea 	nts have been received. Its have been received in Applica Ority documents have been recei Bu (PCT Rule 17.2(a)).	ation No ved in this National Stage	;
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) A) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)		2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	. S. and defauled copies flot received	vou.	
Paper No(s)/Mail Date Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-152)		• •			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	I) Notic	e of References Cited (PTO-892)	4) Interview Summa	ry (PTO-413)	
	3) 🛛 Inforr	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal		

Application/Control Number: 10/723,853 Page 2

Art Unit: 3673

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 6-9, 14, 15, 19, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by the brochure entitled "Dura Life Containment Systems," by Sioux Steel Company. Sioux Steel company discloses a containment apparatus and inherently the method of constructing the containment apparatus. The containment apparatus comprising a plurality of wall sections, at least one brace member, at least one base plate, and a flexible liner.

Allowable Subject Matter

- 3. Claims 2-5, 10-13, and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 4. Claims 16-18 are allowed.

Conclusion

- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick L. Lagman whose telephone number is 703-

Art Unit: 3673

305-7456. The examiner can normally be reached on Monday-Friday 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Schackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frederick E. Lagman

Examiner Art Unit 3673

FLL